

**MINUTES OF
PLANNING COMMISSION MEETING
MAY 26, 1994**

PRESENT: John R. Byers, Mount Vernon District
Judith W. Downer, Dranesville District
Patrick M. Hanlon, Providence District
Suzanne F. Harsel, Braddock District
Robert v. L. Hartwell, Commissioner At-Large
Ronald W. Koch, Sully District
John M. Palatiello, Hunter Mill District
Carl L. Sell, Jr., Lee District
Henry E. Strickland, Mason District
Alvin L. Thomas, Commissioner At-Large

ABSENT: Lawrence C. Baldwin, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District

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The meeting was convened at 8:24 p.m. by Vice Chairman Patrick F. Hanlon.

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COMMISSION MATTERS

Commissioner Sell referred to applications S93-CW-TI, Out-of-Turn Plan Amendment, and PCA-81-S-075, Board of Supervisors' Own Motion, regarding the Fullerton Road Gate, presently scheduled for public hearing on Wednesday, June 1, 1994. He noted that more time was needed and therefore **MOVED THAT THOSE TWO ITEMS BE DEFERRED UNTIL JULY 21, 1994.**

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Baldwin and Murphy absent from the meeting.

Commissioner Sell pointed out that since those items had been the only ones on the agenda, there would be no Planning Commission meeting on June 1, 1994.

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Commissioner Palatiello noted that a scheduling conflict necessitated deferral and **MOVED THAT WE FURTHER DEFER THE PUBLIC HEARING ON S93-III-UP2, OUT-OF-TURN PLAN AMENDMENT, TO A DATE CERTAIN OF JUNE 2, 1994.**

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Baldwin and Murphy absent from the meeting.

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Commissioner Palatiello, in order to allow time to review a recently completed staff report addendum, MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ-93-H-045 AND FDP-93-H-045, CRIMSON PARTNERS, TO A DATE CERTAIN OF JUNE 2, 1994.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Baldwin and Murphy absent from the meeting.

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Commissioner Strickland suggested that the public hearing on PCA-84-M-0042, Karfad Associates, be deferred to June 30, 1994. He then SO MOVED.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Baldwin and Murphy absent from the meeting.

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Commissioner Downer, at the request of the applicant, MOVED TO DEFER SE-94-D-002, FAIRFAX COUNTY BOARD OF SUPERVISORS, TO A DATE CERTAIN OF JUNE 2, 1994.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Baldwin and Murphy absent from the meeting.

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Commissioner Strickland referred to the request by the Northern Virginia Jewish Community Center for early opening of its recreation facilities. He noted that all the conditions for approval had been met and therefore MOVED TO RECOMMEND TO THE PLANNING COMMISSION THAT IT APPROVE THE REQUEST BY THE JEWISH COMMUNITY CENTER FOR AN EARLY OPENING OF 6:30 A.M. FOR LIMITED, INDIVIDUAL, ADULT SWIMMING, RECREATION, AND USE OF THE FITNESS CENTER.

Commissioner Thomas seconded the motion which carried by a vote of 8-1 with Commissioner Byers opposed; Commissioner Harsel not present for the vote; Commissioners Baldwin and Murphy absent from the meeting.

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Commissioner Hanlon noted that the Commission had received a letter from James Zook, Director, Office of Comprehensive Planning, dated May 4, 1994, explaining that Nextel Communications proposed to locate a communications facility on the Media General tower in Merrifield. Commissioner Hanlon then MOVED THAT THE PLANNING COMMISSION CONCUR IN MR. ZOOK'S DETERMINATION THAT THIS COMMUNICATIONS FACILITY IS A "FEATURE SHOWN" ON THE COMPREHENSIVE PLAN.

Commissioner Strickland seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Baldwin and Murphy absent from the meeting.

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ZONING ORDINANCE AMENDMENT (Home Occupations) (Decision Only)

(The public hearing on this item was held on May 18, 1994. A complete verbatim transcript of the decision made this evening is included in the date file.)

Commissioner Thomas MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE OPTION I OF THE PROPOSED ZONING ORDINANCE AMENDMENT TO ARTICLE 10, HOME OCCUPATIONS, AS REVISED BY STAFF'S MEMORANDUM DATED MAY 24, 1994.

Commissioner Palatiello seconded the motion which carried by a vote of 7-2-1 with Commissioners Byers and Strickland opposed; Commissioner Hartwell abstaining; Commissioners Baldwin and Murphy absent from the meeting.

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ORDER OF THE AGENDA ITEMS

Secretary Harsel established the following order for the agenda items:

1. SEA-92-L-005 - Exxon Corporation
2. RZ-93-D-039 - David L. & Helen T. Booth
PCA-77-D-053-2 - Board of Supervisors' Own Motion

This order was accepted without objection.

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SEA-92-L-005 - EXXON CORPORATION - Appl. under Sec. 4-804 &-607 of the Zoning Ord. to amend SE-92-L-005 for a service station & quick service food store in a Highway Corridor Overlay District to permit site renovations on property located at 7312 Richmond Hwy. on approx. 23,856 sq. ft. of land zoned C-8, & HC. Tax Map 92-4((1))78D. LEE DISTRICT. PUBLIC HEARING.

Keith C. Martin, Esquire, Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated May 11, 1994 for this application. There were no disclosures by Commission members.

Ms. Regina Murray, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Martin noted that the Lee District Land Use Advisory Committee supported the application. He concurred with the proposed development conditions listed in the staff report with the exception of Condition #11 regarding the public access easement and location of a canopy. He said that a recent redesign of the site made the condition unnecessary and requested that it be deleted.

Commissioner Sell and Mr. Martin discussed Condition #11. Commissioner Sell concurred with Mr. Martin's opinion that it was no longer necessary.

Vice Chairman Hanlon called for speakers from the audience for this case, but received no response. He noted that no rebuttal was necessary. Ms. Murray had no closing staff comments; therefore, Vice Chairman Hanlon closed the public hearing and recognized Commissioner Sell for a motion. (Verbatim excerpts are in the date file.)

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Commissioner Sell MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SEA-92-L-005 BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS IN APPENDIX 1 WITH THE DELETION OF CONDITION #11 AND THE RENUMBERING OF #12 TO #11.

Commissioner Hartwell seconded the motion which carried by a vote of 8-1 with Commissioner Byers opposed; Commissioner Harsel not present for the vote; Commissioners Baldwin and Murphy absent from the meeting.

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RZ-93-D-039 - DAVID L. & HELEN T. BOOTH - Appl. to rezone approx. 1.16 ac. from Rt-1 to R-2 to permit cluster residential development at a density of 1.72 du/ac. & a waiver of the minimum district size & open space requirements on property located on the E. side of Carlin Lane, approx. 1,000 ft. N. of Old Dominion Dr. Comp. Plan Rec: 2-3 du/ac. Tax Map 31-3((1))33. (Concurrent with PCA 77-D-053-2.) DRANESVILLE DISTRICT.

PCA-77-D-053-2 - BOARD OF SUPERVISORS' OWN MOTION - Appl. to amend the proffers for RZ-77-D-053 to permit a second driveway entrance/access across Outlot A in association w/cluster residential development proposed in RZ-93-D-039 w/an overall density of 1.72 du/ac. on property located on the S. side of Chowning P1., E. of Carlin Lane on approx. 0.20 ac. of land zoned R-5. Comp. Plan Rec: 2--3 du/ac. Tax Map 31-3((36))A1. (Concurrent with RZ-93-D-039.) DRANESVILLE DISTRICT. JOINT PUBLIC HEARING.

W. McCauley Arnold, Esquire, Cowles, Rinaldi and Arnold, reaffirmed the affidavit dated May 2, 1994 for RZ-93-D-039. There were no disclosures by Commission members.

Mr. Peter Braham, Zoning Evaluation Division, Office of Comprehensive Planning, noted that an affidavit for PCA-77-D-053-2, dated May 11, 1994, by William J. Leidinger, County Executive, as representative of the Board of Supervisors, was in the staff report.

Ms. Regina Murray, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of both applications.

In response to a question from Commissioner Strickland, Ms. Murray stated that there were currently ten homes using the cul-de-sac at the end of Chowning Place. Commissioner Strickland commented that the layout of lots was an excellent example of poor planning.

Mr. Arnold explained that the Booth's intended to subdivide one lot into two lots. He noted that the Comprehensive Plan recommended a density of two to three dwelling units per acre and that the proposed density was less than that. He spoke about the density of surrounding properties and added that the proposed plan was sensitive to environmental concerns. Mr. Arnold pointed out that more than 9,000 square feet of the subject property would remain in open space. He said that stormwater runoff would be effectively handled; that parking was not a problem; and that the new driveway would be approximately 50 feet from the middle of the cul-de-sac. In conclusion, Mr. Arnold said that the Booth's proposal represented compatible infill development.

In response to a question from Commissioner Strickland, Mr. Arnold confirmed that the common open space would be dedicated to a homeowners association that would consist of two families.

In response to questions from Commissioner Downer, Mr. Arnold said that it had not yet been determined exactly which trees would have to be removed, but that Mr. Booth intended to save as many trees as possible. He added that a proffer to that effect could be offered by the applicant.

Vice Chairman Hanlon outlined the rules for public testimony and called the first listed speaker.

Mr. Lawrence Postol, 6340 Chowning Place, McLean, spoke in opposition to the applications. He explained that he was the general counsel for Chowning Place residents. Mr. Postol said that the ten homes using the Chowning Place cul-de-sac were too many already and that any more would be an unacceptable burden. He added that an additional driveway would create a safety hazard since children played in the cul-de-sac.

Mr. Postol responded to questions from Commissioners Palatiello, Byers, Sell and Koch concerning his position. Commissioner Palatiello informed Mr. Postol that the Commission generally followed the guidance of the Comprehensive Plan. He suggested that Mr. Postol research the Plan and the Zoning Ordinance as well before presenting his objections to the

Commission in the future. Commissioner Byers pointed out that Chowning Place was a public street that the residents were obviously using for private purposes. Commissioner Sell added that since the cul-de-sac was a street, not a playground, perhaps children should not be playing there in the first place. Commissioner Koch noted that the installation of a basketball hoop on a public street was illegal in Fairfax County.

Commissioner Downer and Mr. Postol discussed the small strip of land owned by the Board of Supervisors that was part of the subject property and how it came to be under County ownership.

In response to questions from Commissioner Downer, Ms. Murray explained that the office of Transportation (OT) had recommended that the driveways be located on Chowning Place, a local street, rather than Carlin Lane, a collector street, for safety reasons.

Mr. Harry Bacas, 1534 Poplar Place, McLean, spoke in support of the applications. He stated that he was the President of the Brookhaven/Forest Villa Civic Association (B/FVCA), but was not speaking on its behalf this evening inasmuch as the Association had not voted on this matter. He commended Mr. Booth for his cooperation in working with the citizens during previous development efforts, noting that the area was significantly improved because of the earlier development. He commented on the difference between a public street and a private street.

In response to questions from Commissioner Strickland, Mr. Bacas explained that the Brookhaven/Forest Villa subdivision consisted of approximately 300 homes. He said that the B/FVCA area included Chowning Place, but that Chowning Place residents had their own association. He pointed out that Mr. Booth had been a member of the B/FVCA before leaving the area and had followed all of the proper notification procedures.

Mr. Richard Simpson, 6354 Chowning Place, McLean, spoke in opposition to the applications. He commented on the safety problem, noting that whether it was proper or not, children did play in the cul-de-sac. He said that Mr. Booth's request was unfair and unreasonable.

Ms. Georgene Boll, 6350 Chowning Place, McLean, also spoke in opposition. Her main concern was the safety of children playing in the street. In addition, she said that the building site itself would be an attractive nuisance in the neighborhood during construction.

In response to questions from Commissioner Downer, Ms. Boll confirmed that the neighborhood had both sidewalks and back yards.

Mr. Eugene Purcel, 6352 Chowning Place, McLean, expressed his concern about an excavation that took place during previous development. He said that the ditch was never filled in properly and remained a hazard in the neighborhood. Mr. Purcel maintained that this lack of follow-through on Mr. Booth's part in the past should be considered during the deliberations on the current application.

Mr. Daniel Coleman, 6351 Chowning Place, McLean, was opposed to the applications. He spoke about the broken promises and proffers that were never completed during previous development efforts.

Mr. Coleman, Mr. Purcel and Commissioner Palatiello discussed the homeowners' attempts to resolve the problems from the previous development. Commissioner Palatiello said he understood their frustration, but pointed out that those matters were not within the Commission's purview and were unrelated to the current application.

Mr. Postol suggested that the two lots share a driveway, which would lesson the impact on the cul-de-sac.

There being no further speakers, Vice Chairman Hanlon called upon Mr. Arnold for a rebuttal statement.

Mr. Arnold acknowledged the anger and frustration of the homeowners. However, he pointed out that the applicant's proposal was well within the guidelines of the Comprehensive Plan and that all the provisions of the Zoning Ordinance were met. He said that Mr. Postol's suggestion for one common driveway would necessitate the removal of more trees, thereby reducing the tree cover and screening. He pointed out that Linway Terrace Park, located about a quarter of a mile from Chowning Place, provided a safe place for children to play.

In response to questions from Commissioner Downer, Mr. Arnold stated that the Booth's bought the property in 1975 and moved away approximately four years ago. He confirmed that the septic tank for the existing house would not be disturbed during construction, but that part of the septic field might extend into the new lot. Mr. Arnold assured her that Mr. Booth would remedy the problem of the ditch from the old sewer connection when the new sewer connection was installed.

Commissioner Strickland, Mr. Arnold and Ms. Murray discussed the street frontage requirements, the Board of Supervisors' property, the open space to be provided, and the trees to be saved.

In view of the apparent outstanding issues, Commissioner Downer announced her intention to defer the decision on these applications.

In response to a question from Commissioner Sell, Mr. Arnold confirmed Ms. Murray's statement that the OT staff recommended that the driveway be located on Chowning Place.

Commissioner Downer clarified the issue further by explaining the difficulties with locating a driveway on Carlin Lane, noting that the Virginia Department of Highways (VDOT) concurred with OT's recommendation.

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In reply to a question from Commissioner Strickland, Ms. Murray explained that the applicant was required to provide a total of 24 feet of side yard, with a minimum of eight feet on one side. There being no further comments or questions, Vice Chairman Hanlon closed the public hearing and recognized Commissioner Downer for a motion. (Verbatim excerpts are in the date file.)

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Commissioner Downer MOVED THAT RZ-93-D-039 AND PCA-77-D-053-2 BE DEFERRED FOR DECISION ONLY UNTIL A DATE CERTAIN OF JUNE 2, 1994, WITH THE RECORD LEFT OPEN FOR ANY WRITTEN COMMENT.

Commissioner Strickland seconded the motion which carried by a vote of 9-1 with Commissioner Hartwell opposed; Commissioners Baldwin and Murphy absent from the meeting.

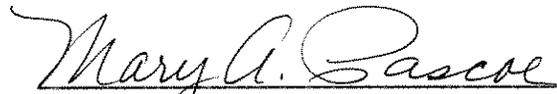
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The meeting was adjourned at 10:25 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on: March 9 1995


Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission